

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL NO. 1:12-cr-283 LY</b>
	)	
<b>DENNIS AGUILAR-MARTINEZ,</b>	)	
<b>Defendant.</b>	)	

**FACTUAL BASIS**

Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

On August 10, 2009, Dennis Aguilar-Martinez was sentenced by the Honorable Alia Moses Ludlum, United States District Judge, of the Western District of Texas, Del Rio Division in Case Number: DR-08-CR-992(3) to the custody of the United States Bureau of Prisons to be imprisoned for a term of sixty (60) months after having been convicted in a one count indictment for violation under Title 21, Section 846, Conspiracy to Possess With Intent to Distribute More Than 100 Kilograms of Marijuana. An additional five (5) year term of supervised release was further assessed.

On September 4, 2009, Dennis Aguilar-Martinez was remanded to the custody of the United States Bureau of Prisons for execution of his sentence. On October 19, 2011, Dennis Aguilar-Martinez was transferred pursuant to the United States Bureau of Prisons authority, to the Cornell McCabe Residential Reentry Center (RRC), 1915 E. Martin Luther King Blvd., Austin, Texas, a United States Bureau of Prisons contracted transition facility to serve the remaining balance of his sentence. The Cornell McCabe RRC serves as a transitional center for inmates pending release to the community and/or directly to the supervision of the United States Probation Department. Dennis Aguilar-Martinez was scheduled to complete his term of imprisonment on May 16, 2012.

On March 9, 2012, the United States Marshals Service, Austin Division was notified that Dennis Aguilar-Martinez was placed on Escape Status by the United States Bureau of Prisons. Dennis Aguilar-Martinez had failed to return to the Cornell McCabe RRC subsequent to signing out at 7:30 am on the same date to attend drug treatment. Dennis Aguilar-Martinez failed to return at 5:30 pm, and his whereabouts were unknown.

On March 9, 2012, DUSM Conley received a written escape notification from LaTanya V. Robinson, United States Bureau of Prisons, Community Corrections Manager. Ms. Robinson advised your affiant that Dennis Aguilar-Martinez was declared on escape status as a result of not returning to the Cornell McCabe RRC.

That in summary would be the evidence presented by the United States.

Respectfully submitted,

ROBERT PITMAN  
UNITED STATES ATTORNEY

By:

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of July, 2012, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

William H. Ibbotson  
Federal Public Defender's Office  
Lavaca Plaza  
504 Lavaca St., Ste 960  
Austin, TX 78701

/s/ Michelle E. Fernald

Michelle E. Fernald  
Assistant United States Attorney